

**\*\* § 362 INFORMATION COVER SHEET \*\***

Ann Marie Flores

DEBTORS

Wells Fargo Bank, N.A. dba Wells Fargo Dealer Services

MOVANT

15-17141-led

Case No:

MOTION #:

CHAPTER: 7**Certification of Attempt to Resolve the Matter Without Court Action:**

Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(2), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.

Date: 3-1-16Signature: [Signature]

Attorney for Movant

PROPERTY INVOLVED IN THIS MOTION: 2013 Toyota CorollaNOTICE SERVED ON: Debtor(s) ☒; Debtor(s)' counsel ☒; Trustee ☒;DATE OF SERVICE: March 1, 2016**MOVING PARTY'S CONTENTIONS:**

The EXTENT and PRIORITY of LIENS:

1st \$14,405.56  
 2nd \_\_\_\_\_  
 3rd \_\_\_\_\_  
 4th \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Total Encumbrances: \$14,405.65

APPRAISAL or OPINION as to VALUE:  
\$13,050

**DEBTOR'S CONTENTIONS:**

The EXTENT and PRIORITY of LIENS:

1st \_\_\_\_\_  
 2nd \_\_\_\_\_  
 3rd \_\_\_\_\_  
 4th \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Total Encumbrances: \_\_\_\_\_

APPRAISAL or OPINION as to VALUE:

**TERMS of MOVANT'S CONTRACT**  
**with the DEBTOR(S):**

Amount of Note: \$15,173.75  
 Interest Rate: 3.99%  
 Duration: 72 mos. effective 7/21/15  
 Payment per Month: \$237.72  
 Date of Default: 12/21/15  
 Amount in Arrears: \$713.16  
 Date of Notice of Default: N/A

**SPECIAL CIRCUMSTANCES:**

Post petition default. Failure to provide proof of insurance.  
 Lack of adequate protection. No equity and not necessary  
 for reorganization.

SUBMITTED BY: Gary L. Compton, Esq.**DEBTOR'S OFFER of "ADEQUATE**  
**PROTECTION" for MOVANT :****SPECIAL CIRCUMSTANCES:**

SUBMITTED BY: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

**Gary Compton**

---

**From:** Gary Compton <glc@comptonlaw.org>  
**Sent:** Wednesday, February 24, 2016 1:13 PM  
**To:** 'Laura Fritz'; 'Fritz Lawyers'  
**Subject:** flores, a. 15-17141

Laura,

I represent Wells Fargo Dealer Services in this ch 7 concerning a 2013 Toyota Corolla. The payoff is \$14,405.56, the arrears are \$713.16, and your client valued the vehicle at \$10,318. The account is due since 12-21-15. Your client's schedules indicate that her son drives the vehicle and was to make the payments. My client has requested that I request stay relief as the payments are not being made. Please advise request your client of these circumstances, and my client's request to bring the account current and provide proof of insurance.

Thanks for your assistance.

Gary

GARY L. COMPTON, ESQ.  
Nevada Bar No. 1652  
2950 E. Flamingo Rd., Ste. L  
Las Vegas, NV 89121  
(702) 383-0026  
Fax. No. (702) 383-5962  
E-Mail: bkc@comptonlaw.org  
Attorney for  
Wells Fargo Bank, N.A., dba  
Wells Fargo Dealer Services

E-Filed on 03/01/2016

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re	)	CASE NO. BK-S-15-17141-led
	)	CHAPTER 7
	)	
ANN MARIE FLORES,	)	MOTION FOR RELIEF FROM
	)	STAY RE: AUTOMOBILE
Debtor.	)	
	)	Motion No.:
	)	Hearing Date: 04/05/2016
	)	Hearing Time: 1:30 p.m.

I

STATEMENT OF FACTS

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157.

2. The 11 U.S.C. § 362 Information Sheet and evidence of attempt to resolve the matter under LR 4001(a)(2) are attached hereto, and incorporated herein by this reference.

3. Ann Marie Flores ("Debtor"), filed a Chapter 7 petition on December 30, 2015. ECF 1.

4. Movant, Wells Fargo Bank, N.A., dba Wells Fargo Dealer Services ("Wells Fargo") holds a secured interest in a 2013 Toyota Corolla vehicle, Vehicle Identification No. 5YFBU4EE7DP172286. The vehicle is collateral for an obligation memorialized by a Contract for Sale and Security Agreement for Sale of Vehicle ("agreement"). The agreement required 72 monthly payments of \$237.72, commencing

1 July 21, 2015, on a principal balance of \$15,173.75. The annual  
2 interest rate was 3.99% per year. True and correct copies of the  
3 redacted agreement and the redacted first page of the Certificate of  
4 Title are attached hereto as **Exhibits "1" and "2"**. Debtor scheduled  
5 Wells Fargo as having a secured claim in the vehicle. ECF 1, p. 21.

6 5. As of February 23, 2016, Debtor owed Wells Fargo the balance  
7 of \$14,405.56. Debtor scheduled the debt with a balance of  
8 \$14,472.00. ECF 1, p. 21.

9 6. As of February 23, 2016 Debtor is \$713.16 in arrears, and is  
10 due since December 21, 2015.

11 7. Although the fair market value has not been established under  
12 11 U.S.C. § 506, it is alleged to be \$13,050, which is the NADA  
13 clean retail value. The NADA report for February 2016, is attached as  
14 **Exhibit "3"**. Debtor has scheduled a value of \$10,318.00. ECF 1, p.  
15 21.

16 8. The Debtor has failed to provide proof of insurance  
17 concerning the vehicle.

18 9. Wells Fargo requests the Court to take judicial notice of the  
19 Court's Docket in this case under Fed. R. Evid. 201(c)(2) with regard  
20 to the ECF record proffered in paragraphs 3, 4, 5, and 7.

21 II

22 STATEMENT OF AUTHORITIES

23 A. THIS COURT SHOULD TERMINATE THE STAY FOR CAUSE

24 Wells Fargo requests that this Court grant relief from the  
25 automatic stay. 11 U.S.C. § 362(d)(1) provides that:

26 On request of a party in interest and after  
27 notice and a hearing, the court shall grant  
28 relief from the stay provided under subsection  
(a) of this section, such as by terminating,

annulling, modifying, of conditioning such stay-

(1) for cause, including the lack of  
adequate protection of an interest in  
property of such party in interest;

. . .

The Debtor failed to provide proof of insurance concerning the vehicle, is in default under the agreement, and the vehicle is valued at less than the secured claim of Wells Fargo. Wells Fargo lacks adequate protection. This is cause for relief from stay under 11 U.S.C. § 362(d)(a)(1).

B. THIS COURT SHOULD TERMINATE THE STAY AS THERE IS NO EQUITY  
IN THE PROPERTY AND IT IS NOT NECESSARY FOR REORGANIZATION

Wells Fargo requests that this Court grant relief from the automatic stay. 11 U.S.C. § 362(d)(2) provides that:

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay-

\* \* \*

(2) with respect to a stay of an act against property under subsection (a) of this section, if- (A) the debtor does not have an equity in such property; and (B) such property is not necessary to an effective reorganization;

\* \* \*

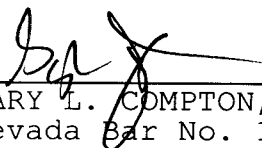
This is a proceeding under Chapter 7 and there is no prospect of the property being material in any reorganization. The Debtor and estate have no equity in the property, as the secured claim exceeds the fair market value. The requirements for stay relief under 11 U.S.C. § 362(d)(2) have been met for this Court to terminate the stay.

III

CONCLUSION

For these reasons, this Court should grant Wells Fargo relief from the stay as to Debtor and the estate under 11 U.S.C. § 362 and further, waive the stay under B.R. 4001(a)(3). A copy of the proposed order is attached as **Exhibit "4"**.

DATED this 1 day of March, 2016.

  
\_\_\_\_\_  
GARY L. COMPTON, ESQ.  
Nevada Bar No. 1652  
2950 E. Flamingo Rd., Ste. L  
Las Vegas, Nevada 89121  
Attorney for  
Wells Fargo Bank, N.A., dba  
Wells Fargo Dealer Services





## STATE OF NEVADA

DEPARTMENT OF MOTOR VEHICLES

## CERTIFICATE OF TITLE

VIN 5YFBU4EE7DP172286	YEAR 2013	MAKE TOYT	MODEL COROLLA/S/	VEHICLE BODY P4D	TITLE NUMBER
DATE ISSUED 07/10/2015	ODOMETER MILES 52779	FUEL TYPE G	SALES TAX PD	EMPTY WT 2734	GROSS WT GVWR
VEHICLE COLOR	ODOMETER BRAND ACTUAL MILES			BRANDS	

OWNER(S) NAME AND ADDRESS  
FLORES ANN MARIE

[REDACTED]

LIENHOLDER NAME AND ADDRESS  
WELLS FARGO DEALER SERVICES  
PO BOX 997517  
SACRAMENTO CA 95899-7517

LIENHOLDER RELEASE - INTEREST IN THE VEHICLE DESCRIBED ON THIS TITLE IS HEREBY RELEASED:

SIGNATURE OF AUTHORIZED AGENT \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME OF AGENT AND COMPANY \_\_\_\_\_



FEDERAL AND STATE LAW REQUIRES THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.  
The undersigned hereby certifies the vehicle described in this title has been transferred to the following buyer(s).

Printed Full Legal Name of Buyer \_\_\_\_\_

Nevada Driver's License Number or Identification Number \_\_\_\_\_

☐ AND  
☐ OR

Printed Full Legal Name of Buyer \_\_\_\_\_

Nevada Driver's License Number or Identification Number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

I certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked.

☐ NO  
☐ TENTHS

☐ The mileage stated is in excess of its mechanical limits.  
☐ The odometer reading is not the actual mileage. WARNING: ODOMETER DISCREPANCY.  
Exempt - Model year over 9 years old.

ODOMETER READING \_\_\_\_\_

Signature of Seller(s)/Agent/Dealership \_\_\_\_\_

Printed Name of Seller(s)/Agent/Dealership \_\_\_\_\_

I am aware of the above odometer certification made by the seller/agent. ☐

Dealer's License Number \_\_\_\_\_

Date of Sale \_\_\_\_\_

Signature of Buyer \_\_\_\_\_

Printed Full Legal Name of Buyer \_\_\_\_\_

ACCORDING TO THE RECORDS OF THE DEPARTMENT OF MOTOR VEHICLES, THE PERSON NAMED HEREON IS THE OWNER OF THE VEHICLE DESCRIBED ABOVE, SUBJECT TO LIEN AS SHOWN.

CONTROL NO \_\_\_\_\_

VP-2 (Rev 8/10)

(THIS IS NOT A TITLE NO)

ALTERATION OR ERASURE VOIDS THIS TITLE



2/23/2016

NADA Used Cars/Trucks

## Vehicle Information

Vehicle: 2013 Toyota Corolla Sedan 4D L 1.8L I4  
 Region: California  
 Period: February 23, 2016  
 VIN: 5YFBU4EE7DP172286  
 Mileage: 47,500  
 Base MSRP: \$16,230  
 Typically Equipped MSRP: \$17,870

## NADA Used Cars/Trucks Values

Auction*	Base	Mileage Adj.	Option Adj.	Adjusted Value
Low	\$7,675	-\$36	\$0	\$7,639
Average	\$9,400	-\$36	\$0	\$9,364
High	\$11,150	-\$36	\$0	\$11,114
Trade-In				
Rough	\$8,900	\$0	\$0	\$8,900
Average	\$9,975	\$0	\$0	\$9,975
Clean	\$10,825	\$0	\$0	\$10,825
Clean Loan	\$9,750	\$0	\$0	\$9,750
Clean Retail	\$13,050	\$0	\$0	\$13,050

\* The auction values displayed include typical equipment and adjustments for mileage and any of the following applicable accessories: engine size, drivetrain, and trim.

GARY L. COMPTON, ESQ.  
Nevada Bar No. 1652  
2950 E. Flamingo Rd., Ste. L  
Las Vegas, NV 89121  
(702) 383-0026  
Fax. No. (702) 383-5962  
E-Mail: bkc@comptonlaw.org  
Attorney for  
Wells Fargo Bank, N.A., dba  
Wells Fargo Dealer Services

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re	)	CASE NO. BK-S-15-17141-led
	)	CHAPTER 7
	)	
ANN MARIE FLORES,	)	ORDER TERMINATING AUTOMATIC
	)	STAY RE: AUTOMOBILE
Debtor.	)	
	)	Motion No.:
	)	Hearing Date: 04/05/2016
	)	Hearing Time: 1:30 p.m.

Wells Fargo Bank, N.A., dba Wells Fargo Dealer Services, by and through counsel, Gary L. Compton, Esq., filed a Motion for Relief from Stay Re: Automobile on March 1, 2016. The motion and notice thereof were duly noticed and the matter came on for hearing on April 5, 2016, at 1:30 p.m., and there being no pleading or appearance made in opposition to, and good cause therefore appearing;

. . .  
. . .  
. . .

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motion is  
2 granted, and the stay under 11 U.S.C. § 362 is hereby terminated for  
3 all purposes as to Wells Fargo Bank, N.A., dba Wells Fargo Dealer  
4 Services with regard to its interest, and the interest of the estate  
5 and Debtor Ann Marie Flores, in the 2013 Toyota Corolla vehicle,  
6 Vehicle Identification No. 5YFBU4EE7DP172286, and the stay under B.R.  
7 4001(a)(3) is waived.

8  
9 DATED AND SIGNED ABOVE

10  
11  
12 Submitted By:

13  
14 \_\_\_\_\_  
15 Gary L. Compton, Esq.  
16 Nevada Bar No. 1652  
17 2950 E. Flamingo Rd., Ste. L  
18 Las Vegas, NV 89121  
19 Attorney for  
20 Wells Fargo Bank, N.A., dba  
21 Wells Fargo Dealer Services  
22  
23  
24  
25  
26  
27  
28

1 LR 9021(c)(1) Certification:

2 In accordance with LR 9021, counsel submitting this document  
 3 certifies that the order accurately reflects the court's ruling and  
 that (check one):

4        The court has waived the requirement of approval under LR  
 5 9021(b)(1).

6        No party appeared at the hearing or filed an objection to  
 the motion.

7        I have delivered a copy of this proposed order to all  
 8 counsel who appeared at the hearing, and any unrepresented  
 parties who appeared at the hearing, and each has approved or  
 9 disapproved the order, or failed to respond, as indicated below  
 [list each party and whether the party has approved,  
 10 disapproved, or failed to respond to the document]:

11        I certify that this is a case under Chapter 7 or 13, that  
 I have served a copy of this order with the motion pursuant to  
 12 LR 9014(g), and that no party has objected to the form or  
 content of the order.

13	<u>Party</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Failed to Respond</u>
14				
15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____
18	_____	_____	_____	_____

19  
 20 ###